

V.T.


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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/541,191 10/11/95 KAYYEM

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EXAMINER

JONES, D

ART UNIT

PAPER NUMBER

1616

12

DATE MAILED:

02/12/98

 This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS
**OFFICE ACTION SUMMARY**

- ☒ Responsive to communication(s) filed on 11/13/97
- ☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s) or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 1211

## RESPONSE TO APPLICANT'S ARGUMENTS

1. The Applicant's arguments filed 11/13/97 (Paper No. 11) to the rejection of claims § 1-22 made by the Examiner under 35 U.S.C. 103 and/or double patenting have been fully considered and deemed persuasive-in-part.

### 103 Rejection

The 103 rejection has been **WITHDRAWN** for the reasons of record in Applicant's response filed 11/13/97, Paper No. 11.

### Statutory Double Patenting

The statutory type (35 U.S.C. 101) double patenting rejection of claims 1-4, 6-10, 12-13, 16, and 22 over claims 1-8, 12, and 21-23 of copending Serial No. 08/321,552 is **MAINTAINED** for the reasons set forth in the Office Action mailed 7/7/97, Paper No. 9.

### Obviousness-type Double Patenting

The obviousness-type double patenting rejection of claims 5, 11, 14-15, and 17-21 over claims 9-11, 24-27, and 35-38 of copending Serial No. 08/321,552 is **MAINTAINED** for the reasons set forth in the Office Action mailed 7/7/97, Paper No. 9.

2. Papers related to this application may be submitted to Group 1200 by facsimile transmission. Papers should be faxed to the Group 1200 fax machine at (703) 308-4556. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30; November 15, 1989.

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3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameron L. Jones whose telephone number is (703) 308-4640. Examiner Jones can generally be reached from Monday through Thursday, as well as on alternate Fridays, between 7:00 a.m. and 4:30 p.m. If the Examiner cannot be reached, questions may be addressed to her supervisor, John Kight, whose phone number is (703) 308-0204.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.



DLJ

February 4, 1998

  
SUPERVISORY PATENT EXAMINER  
GROUP 1200